

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 19, 2008

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:31 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Dianne Moran, Planning and Zoning Officer; Steve Fleming, Herbert, Rowland, and Grubic, Inc.; and Mr. Justin Kuhn, Kurowski and Wilson Engineers.

Pledge of Allegiance

Mr. Crissman led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the November 27, 2007, December 4, 2007 budget workshop meetings, the January 15, 2008 workshop meeting, and the January 22, 2008 business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

Mr. Lyndon Cuthbertson, 1005 Seemore Drive, explained that he has an issue with vehicles blocking mailboxes in the area of his home. He distributed copies of the rules and regulations regarding mailboxes from the U.S. Postal Domestic Mail Manual. He explained that the problem that he has is with the construction vehicles that are working in the area of his home.

Mr. Cuthbertson explained that he called the Police Department on Friday since his mailbox and other mailboxes in the area were blocked by construction vehicles. He stated that he was told by a police officer that there was nothing that they could do since it was not a parking violation to block a mailbox. Mr. Cuthbertson noted that the postal regulations state that if a mailbox is constantly blocked by vehicles, the mail carrier will not deliver mail. He noted that the officer suggested that he could have the mailbox moved to another location, but according to the postal service, mailboxes should be grouped together to make it convenient for the letter carrier to deliver the mail. Mr. Cuthbertson questioned if the police officer knew the postal regulations.

Mr. Cuthbertson noted that some neighbors receive their medications through the mail and if the mailboxes are blocked they cannot receive their medicine. He requested the police officer to look into the matter, and was told by her supervisor that there was nothing they could do. Mr. Cuthbertson requested the Board members to address this issue with the Police Department as they don't seem to know how to handle the situation.

Mr. Hawk thanked Mr. Cuthbertson for providing the Board members with the Postal regulations.

Mr. Seeds questioned if Mr. Cuthbertson's mailbox was being blocked by neighbors. Mr. Cuthbertson answered that it is blocked occasionally by contractors and utility workers who are working in the area. He noted that there are other locations where the contractors could park, and he has asked them to move their vehicles, but they argue that the postal carriers are too lazy to get out of their vehicles. He suggested that the postal carriers are not permitted to get out of their vehicles to deliver mail along the curb. He requested the contractors to have their employee park at locations away from the mailboxes on his street.

Mr. Seeds questioned if Mr. Cuthbertson spoke to the contractor working on the home. Mr. Cuthbertson answered that he spoke to the different contractors who block the mailboxes, and the builder, who stated that he would talk to the contractors. He noted that the problem that he had on Friday was with a sewer rehabilitation contractor. He noted that the truck with the trailer was blocking his mailbox. He stated that he is very frustrated with the situation and that is why he called the police. Mr. Seeds suggested that it could have been a Township sewer contractor.

Mr. Crissman noted that when Mr. Cuthbertson stated that the contractor told him that the mail carrier was too lazy to get out of his truck, it is noted on the documents provided to the Board members that a letter carrier will leave their vehicles to make delivery if the mailbox is temporarily blocked by a vehicle over which the customer has no control. He suggested that Mr. Cuthbertson should talk with the contractors first, since they have control over the vehicles that are blocking the mailbox, but, if the mail carriers are unwilling to get out of their vehicles, then a phone call to the post office would be appropriate to remind them of their regulations.

Mr. Cuthbertson noted that the regulations state that if this is a continual problem where the customer can control the on-street parking, the mail carrier may withdraw delivery service until the situation is corrected. Mr. Crissman noted, in this instance, the customer is unable to control the problem. Mr. Cuthbertson explained that he spoke with both entities to try to resolve the situation, but they can't police the situation everyday. Mr. Crissman suggested that it is the contractor's responsibility to have his subcontractors park away from the mailboxes.

Mr. Hawk suggested that this would be a temporary situation until the construction process is completed.

Chairman and Board Member's Comments

None was provided.

Manager's Report

Mr. Wolfe noted that the Friendship Center will sponsor a Happy Healthy Hour on Friday, February 22, 2008, from 6 p.m. to 8 p.m. He noted that adults are invited to visit the Friendship Center free of charge. He noted that snacks will be provided as well as tours of the facility.

Mr. Wolfe noted that the Police Department will conduct a Citizen's Police Academy March 20, 2008, for citizens 18 years of age and older. He noted that applications for the Police Academy can be found on the web site or by contacting the Police Department directly. He noted that 20 students will be accepted, and the course will run for ten weeks on Thursday nights. He noted that the training focuses on police operations both within the Department and also Dauphin County Operations. He noted that a hands-on firearms simulation training session will be held. In addition, officers from the Department will speak on subjects such as the vehicle code, patrol functions, traffic safety and criminal investigations. The deadline for posting applications is March 7, 2008.

Mr. Wolfe noted that the Friendship Center will celebrate a Family Night event on Sunday, March 2nd from 5 p.m. to 8:30 p.m. He noted that special events and food will be provided and the event is open to all residents of the Township.

OLD BUSINESS

Appointments to boards and commissions

Mr. Hawk explained that the Public Safety Committee conducted interviews with four candidates, and made a recommendation to the Board of Supervisors to appoint Mr. Doug Vene to fill the vacancy on their Committee. Mr. Hawk recommended appointing Mr. Doug Vene to fill the vacancy for the Public Safety Committee.

Mr. Hawk explained that prior to the start of the meeting, the Board members interviewed three candidates for the vacancy to the Planning Commission. Mr. Hawk recommended appointing Mr. Doug Grove to fill the vacancy on the Planning Commission. Mr. Blain seconded the recommendation, and a unanimous vote followed to fill the two open vacancies.

NEW BUSINESS

Action on bids for the purchase of road salt

Mr. Hawk noted that three bids were received for the purchase of road salt, and staff recommended rejecting all bids due to the availability of Sodium Chloride Roadway De-Icer through the Capital Area Region Council of Governments (CAPCOG). Mr. Wolfe explained that the bids are slightly less than the current price for road salt through the CAPCOG, however, the bids required a minimum purchase amount, and there is no minimum purchase amount through the CAPCOG. He suggested that over time, the Township would spend less money purchasing through the CAPCOG. He noted that it is staff's recommendation to reject all bids, and purchase the Sodium Chloride Roadway De-Icer through the CAPCOG.

Mr. Hornung questioned if the Township could bid the purchase without the minimum requirement. Mr. Wolfe answered that the Township could bid the purchase anyway it wants, but if there is no guaranteed amount provided in the bid, no one would bid the project unless the bid provided for a large purchase such as what occurs when purchasing through the CAPCOG. Mr. Seeds suggested that the price would be higher without the minimum purchase amount. Mr. Wolfe explained if the Township experienced a bad winter and had a great need for salt, this would not be an issue.

Mr. Crissman made a motion to reject all bids for the purchase of road salt. Mr. Blain seconded the motion, and a unanimous voice vote followed.

Resolution 08-11; Authorizing the submission of a request to MPOETC
for reimbursement of police officer training expenses

Mr. Hawk noted that this Resolution authorizes the reimbursement of training expenses from the Municipal Police Officer's Training Commission.

Mr. Crissman made a motion to adopt Resolution 08 – 11, authorizing the submission of a request to Municipal Police Officer's Training Commission for reimbursement of police officer training expenses. Mr. Blain seconded the motion, and a unanimous voice vote followed.

Preliminary/final land development plan for Commerce Bank Office Building

Ms. Moran explained that the intent of this plan is to build an office building on Lot 2 of the lands owned by Russell J. Klick Enterprises. This lot is approximately 4.57 acres, is zoned BC, Business Campus, and is located on the south side of Commerce Drive and west side of Crums Mill Road. The property will be served by public sewer and public water.

Ms. Moran noted that on November 14, 2007 the Planning Commission recommended approval of the plan and waiver of preliminary plan requirement, waiver of the rational method for stormwater calculation, but did not recommend approval of the waiver for sidewalk along Commerce Drive.

Ms. Moran noted HRG, Inc's comments are included in the Board's packet as well as responses to those comments from Justin Kuhn. In addition, comments are provided by Dr. Norman Lacasse, from the Shade Tree Commission, and additional comments from Mr. Kuhn regarding the three requested waivers.

Ms. Moran noted that Justin Kuhn from K&W Engineers is present to represent the plan.

Mr. Crissman requested Ms. Moran to confirm that staff does not support the waiver of sidewalks. Ms. Moran noted that staff is leaving that decision to the Board members; however, she noted that the property has curbs on both sides and across the street; and a waiver for

sidewalks was granted for that property. She noted that the property located at 2500 Commerce Drive, which lies mostly in Susquehanna Township, has sidewalk in both Townships.

Mr. Kuhn explained that the property is an office building, and not a bank. He explained that the reason he requested the waiver of sidewalk was due to the disconnect to the adjoining properties, however, if staff recommends the installation of sidewalks, his client is prepared to install sidewalks. He noted that he is waiting for Erosion and Sedimentation Control Plan approval, and explained that the Sewer Planning Module was approved several years ago, and he only needs to provide a sewer flow estimate to Mr. Weaver.

Mr. Kuhn noted that United Water PA previously approved water for the Russell Kick subdivision, and he is waiting for an individual letter for this particular tract in the name of Julie Trogner and Greg Denk, the developers.

Mr. Crissman stated that he would like to know Mr. Kuhn's rationale for requesting a waiver of sidewalks. Mr. Kuhn answered that there are no existing sidewalks on Commerce Drive to tie into. He noted that the site directly across the street that is located in the Township was granted a sidewalk waiver. He suggested that there would be very little pedestrian traffic for the office surroundings. In addition, he reported that there are no sidewalks on Crums Mill Road either.

Mr. Crissman noted that item seven in General Conditions references HRG, Inc.'s 15 comments, and he questioned Ms. Moran if she was satisfied with Mr. Kuhn's written response to those 15 comments. Ms. Moran answered that she was. Mr. Crissman questioned Mr. Fleming if he was satisfied with Mr. Kuhn's written responses. Mr. Fleming noted that he was satisfied with them as well.

Mr. Seeds complimented Mr. Kuhn on his timely reply to HRG., Inc.'s comments, and he noted that it was very good to have the responses in time to be part of the Board's packet of

information. He noted that he made contact with members of the Planning Commission in regards to their recommendation to disapprove the waiver for sidewalks, and found that it was based on the Police Department's recommendation for sidewalks. He noted that there are no sidewalks in the area, or on Crums Mill Road, and agreed that if the sidewalks were installed, they would not connect with other sidewalks.

Mr. Hawk noted that the applicant is willing to install sidewalks. Mr. Blain suggested that a note could be placed on the plan to state that sidewalks should be installed if they are installed for any of the adjacent properties. Mr. Hornung noted that, the issue is, that this type of plan requirement gets lost, and questioned what time period should be required for the installation of the sidewalks. He questioned if the property was sold, would the new owner be aware of the requirement for the plan. He questioned if the note could be place on the deed instead of the plan. He suggested that it could be a safety hazard if a child is riding a bike and the sidewalk abruptly ends. He questioned if the Township had a means to tract these notes for plans.

Mr. Stine suggested that the Second Class Code provides for the Township to install sidewalks and curbs, and then assess the adjoining properties. He suggested that this may be an alternative to putting a note on a plan or deed. Mr. Blain answered that he was fine with that, noting that the Board made a similar recommendation for a property along Linglestown Road. Mr. Stine noted that the Township would be able to require the sidewalk as long as there was sufficient right-of-way. Mr. Kuhn noted that the right-of-way for Commerce Drive is 60-foot using a 38-foot cartway, leaving approximately an 11-foot area for the installation of sidewalk. Mr. Hornung noted that since Mr. Stine was not absolutely positive of the power of the Township to assess the property owner to pay for the sidewalk, should the Board still require a note to be placed on the plan. Mr. Stine noted that he is fairly confident that the Township can assess for curb and sidewalk, but he explained that he does not know the particulars for doing so.

Mr. Hawk noted that the other alternative is to install the sidewalks and be done with it.

Mr. Crissman questioned Mr. Kuhn if he was in agreement with the three waiver requests, noting that the Board has not made a decision for the waiver for sidewalks. Mr. Kuhn answered that he was.

Mr. Crissman questioned Mr. Kuhn if he was in agreement to the one site specific comment. Mr. Kuhn answered yes.

Mr. Crissman questioned Mr. Kuhn if he was in agreement to the seven General Conditions, to include the 15 comments from HRG, Inc. dated February 6, 2008. Mr. Kuhn answered, yes. Mr. Crissman noted that this would include Mr. Kuhn's written response to those 15 comments that have been acknowledged and accepted by staff and engineer.

Mr. Crissman questioned if Mr. Kuhn was in agreement with the three staff comments, particularly comment two, which states, in bold lettering, that when submitting revised plans, please respond in writing to all individual comments including Township, HRG, Inc., and Dauphin County. Mr. Kuhn answered that he was in agreement to this.

Mr. Crissman questioned if the Board members are comfortable approving the waiver for sidewalks. Mr. Hornung explained that in talking with Mr. Blain, that he would like to have a note placed on the plan as an added precaution.

Mr. Crissman made a motion to approve the preliminary/final land development plan 2007-20, for the Commerce Park Office Building with the following waivers and conditions: 1) Waiver of the preliminary plan requirement; 2) Waiver of the requirement to provide sidewalk along Commerce Drive, noting that if sidewalks are installed on other contiguous properties, at a later date, Klick Enterprises would also install sidewalks within 350 days of the installation of the contiguous sidewalks; 3) Waiver of the requirement for use of rational method for stormwater calculation; 4) Plan approval shall be subject to providing a cross easement for

ownership and maintenance of the detention basin; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 8) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 9) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 10) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 11) Plan approval shall be subject to addressing all 15 comments of HRG's memo dated February 6, 2008, and K&W Engineers responses that were accepted by staff and engineer; 12) A street/storm sewer construction permit is required and to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project by contacting Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; 13) When submitting revised plans, please respond in writing to all individual comments including Township, HRG, Inc., and Dauphin County; and 14) All signage must meet the requirements of the Lower Paxton Township Zoning Code.

Mr. Blain suggested that there should be a time certain specification such as 365 days of the complete installation of sidewalks for contiguous properties. Mr. Crissman noted that he agreed to add this requirement to his motion.

Mr. Hornung seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Improvement Guarantees

Mr. Hawk noted that there were three improvement guarantees for consideration.

Willow Brook, Phase III

Establishment of a new escrow account with Lower Paton Township in the amount of \$550 with an expiration date of February 19, 2009.

Willow Brook, Phase III

A release of a letter of credit with Fulton Bank in the amount of \$550.00.

Old Iron Estates, Phase I

A reduction in a letter of credit with Fulton Bank in the amount of \$3,052.50 with an expiration date of December 4, 2008.

Mr. Crissman made a motion to approve the three listed improvement guarantees as presented. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Announcements

Mr. Hawk explained that the Board met in executive session, prior to the start of the meeting, to discuss the Village of Linglestown acquisition process and minor Township Administrative matters.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting.
Mr. Blain seconded the motion, and the meeting adjourned at 8:12 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary